

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JOHN S. WATERMAN, IV, and ELIZABETH W. WATERMAN

PLAINTIFFS

V.

CIVIL ACTION NO.1:06CV871 LTS-RHW

STATE FARM FIRE AND CASUALTY COMPANY

DEFENDANT

**MEMORANDUM OPINION AND ORDER
ON STATE FARM FIRE AND CASUALTY COMPANY'S
MOTION FOR CHANGE OF VENUE**

The Court has before it the motion [78] of Defendant State Farm Fire and Casualty Company (State Farm) To Change Venue. State Farm is asking that the trial of this action be moved to the Western Division of the Northern District of Mississippi. State Farm has submitted the affidavits of Dr. Kent Tedin and Dr. Edward J. Bronson (an original and two supplemental affidavits) in support of its motion.

State Farm's motion for a change of venue is based upon its contention that a fair and impartial jury cannot be drawn from the pool of jurors available in the Southern District of Mississippi. State Farm asserts that the publicity surrounding the issues to be tried is so pervasive that the selection of a fair and impartial jury is not possible. Based on my having conducted a voir dire examination of the individuals called for jury duty in *Broussard v. State Farm Fire and Casualty Company*, Civil Action No. 1:06cv006, *Gemmill v. State Farm Fire and Casualty Company*, Civil Action No. 1:05cv692, and *Webster v. USAA Casualty Insurance Company*, Civil Action No. 1:05cv715, I have determined that a fair and impartial jury can be drawn from the pool of jurors available in this district.

I am sensitive to the issues State Farm has raised, and I will conduct the voir dire examination of the potential jurors in this case with attention to the concerns that underlie State Farm's motion. I am also sensitive to the additional expenses the parties would be likely to incur if this case were not tried locally. I do not believe that a change of venue is necessary to assure a fair trial in this action.

Upon request, I will grant leave to State Farm's representatives during the trial to make an appropriate record of any additional information relevant to their motion for change of venue should subsequent events make it just to do so.

Accordingly, it is

ORDERED

That the motion [78] of State Farm Fire and Casualty Company To Change the Venue of this action is hereby **DENIED**, without prejudice to its right to seek leave of Court to supplement its objection to venue if events occurring subsequent to the filing of this motion [78] justify such a supplementation;

SO ORDERED this 2nd day of October, 2007.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE